(F100/-) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

Writ Petition No. 1810 of 2002

PETITIONER : K.P.Tiwari son of Shri S.L.Tiwari, aged about 61 years,Retired Additional Executive Engineer, resident of C-59,Agyeyanagar,Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. Chhattisgarh State Electricity Board,Raipur, through its Secretary at Da ganya,Raipur(C.G.)

: 2. The Chief Engineer, C.S.E.B. Bilaspur.

: 3. The Senior Accounts Officer, C.S.E.B.Bilaspur.

P.R. No. 1821/02
Presented by Shri S.R.M. by Duty
dated 3 9.10.02

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

(54)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP-1810/... **सन्** 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

04.10.2006

Shri Sameer Behar, Counsel for the petitioner.

Shri P.S. Koshy, Panel Lawyer for the Chhattisgarh State Electricity Board (respondent No.1).

None for respondents No.2 & 3 (though served).

Heard finally with the consent of the parties.

Order dictated as follows :

ORAL ORDER
(04.10.2006)

By way of this Writ Petition filed under Article 226/227 of the Constitution of India, the petitioner has prayed for a direction to the respondents to release the payment of leave encashment of the balance period of 56 days to him by calculating his services on work charged establishment for the purpose of grant of pensionary benefits.

The brief facts are that the petitioner, who was working in C.S.E.B. has superannuated from the post of Additional Executive Engineer on attaining the age of superannuation on 31/12/2000. After his retirement, he applied for grant of leave encashment for 236 days. The application was forwarded by the S.E., C.S.E.B., Bilaspur on 22.01.2001 vide Annexure P-1, but by the order dated 12.2.2001 vide Annexure P-2, only 180 days of leave encashment was sanctioned. It is stated that the said sanction was on the basis of the letter of Senior Accounts Officer, C.S.E.B., Bilaspur dated 17.1.2001 (Annexure P-3).

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP-1810/02... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Before me, learned counsel for the petitioner contended that there are various decisions of the Division Bench of the Madhya Pradesh High Court, in which, it has been decided that the service rendered by the employee as a work charged employee will be counted for the purposes of pension, family pension, leave encashment etc. He refers to the document Annexure D-2, which is an order passed in a Writ Petition by the High Court of Madhya Pradesh filed alongwith I.A. No.4899/2004. He also refers to the order dated 29/1/2002 passed in a bunch of Writ Petitions relating to M.P.E.B. by the High Court of Madhya Pradesh (Annexure P-5), in which, it has been held that the service rendered in the work charged establishment shall be considered as the qualifying service under Rule 12 of the M.P. Civil Services (Pension) Rules 1976.

For the present, learned counsel for the petitioner prays that this petition may be disposed of with a direction to the petitioner to file a detailed representation in this regard before the concerned authority and the concerned authority be also directed to dispose of his representation within the stipulated period granted by this Court.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for C.S.E.B.

The same is allowed.

The petition is finally disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority of the respondents within a period of 3 weeks

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP...1810/02 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

from today alongwith the certified copy of this order and also a copy of this Writ Petition and other decisions on the said point and if such a representation is filed, the concerned authority shall dispose of the same in an objective manner answering all the points raised in the representation, as early as possible, preferably within a period of 6 weeks from the date of filing of the said representation.

Needless to emphasize that the authorities of the respondents shall keep in mind the earlier decisions made on this point, which have been referred to above in this order.

The petition stands finally disposed of.

In view of the above, M.(W.)P. No.873/2002 for grant of interim relief, I.A. No.4899/2004 for appropriate direction to the respondents and I.A. No.9131/2006 for out of turn listing stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

shyna